

**Before the  
Federal Communications Commission  
Washington, DC**

In the matter of:	)	
	}	
Amendment of Part 97 of the	)	<b>RM-11306</b>
Commission's Rules Governing	)	
the Amateur Radio Service	)	

**Reply Comments to Petitioner**

**Introduction**

This filing is from Dan Brown, licensed Amateur station W1DAN.

I have previously submitted to the FCC a document timely filed in response to Docket 04-140, and wish to rebut some of the claims by the Amateur Radio Relay League's General Counsel's response to the comments of proposal RM11306.

**Opposition**

Mr. Imlay states that the Amateur service sub-bands should be re-organized as per the ARRL bandwidth suggestion. The ARRL seeks for the Amateur Radio Service to experiment with new digital transmission methods while permitting and not detracting from the continued use of present operating modes as long as there are radio amateurs who wish to use them. Digital modes are already currently used and experimented with in the current bands.

In this proposal, there is no definition of the bandwidth measurement procedure and practices. Stating that a "necessary bandwidth" should be used leaves a lot up to interpretation of the user. If this interpretation is used, a mode could then be wider than technically needed and then claimed to be necessary. Thus, no enforcement action could be taken to correct the excessive bandwidth. I feel this parameter of occupied bandwidth should be defined tightly via engineering methods and limits created.

Also, what is the process and parameters to determine that a mode is no longer used? Is it the ARRL or the FCC's responsibility to determine whether a mode should be eliminated?

There were around 900 comments (around 80% of them negative) to this proposal. The ARRL says they notified hams, and asked for input. While their notices did exist in their member's only publications and in other sources, these notifications were not as public as to include a mailing (as they do for fund raising) of a survey to all US amateur radio operators. If one were not an ARRL member, there is a good chance these notices were not easily obtained, suggesting an inherent bias toward the responses of ARRL members.

It is mis-stated that those who use traditional modes do not see a need to change the rules. This is a generalization that can only be corrected by polling all US Amateurs. I know of many hams that use both traditional modes and the latest digital methods and see the gains to be had by future digital modes. I am excited and interested in new digital modes. I also would like to continue to use the traditional analog modes as well.

Mr. Imlay states that the polarized arguments validate the proposal. How? To me this is just stirring up a hornet's nest and does not provide the best result that everyone will be happy with. More than the minimum number of people will be unhappy if this proposal becomes law. With the majority of comments being negative I feel a better solution should be searched for before a NPRM is created.

Mr. Imlay states that there is no inherent incompatibility between analog and digital transmissions of a similar bandwidth. This is technically not possible, as an analog receiver cannot decode a digital mode. More importantly, digital and analog modes are incompatible as is shown by the cross interference to and from current digital modes on the amateur bands as well as HD radio/analog, DRM/analog and ATSC/NTSC television's analog/digital cross interference problems that exist today.

Mr. Imlay states that all are accommodated in this proposal. All are not accommodated as clearly shown by the reply comments. This and any proposal will make some Amateur Radio operators unhappy as any proposal will involve some sort of compromise. Mr. Imlay states that this proposal successfully balances the interest of all regardless of the opinions of those commenting. Mr. Imlay

is choosing to ignore the dissenter's opinions. If this shortsighted planning is implemented, many people will have to live with a non-optimum solution for many years to come. With the majority of the 900 comments dissenting, I feel it is time to stop the process and poll all US Amateurs completely.

Creating an analog phone limit of 3.5khz would limit the design and testing of digital creation of analog signals as well as the current double sideband AM analog methods and is a change of the current bandwidth requirements that is not necessary. The special provision for DSB-AM discourages the use of AM as it limits the bandwidth from the currently provided rules. We should retain Section 97.207, ISB permitted in HF phone bands. Why limit any mode for experimentation whether it is analog or digital?

Automated digital systems would interfere with existing communications and would not protect other users. The fact that "there is no incompatibility" is wrong, and is not based in history or engineering studies. Current analog users generally listen before transmitting. Robot stations do not have this capability. Thus, a digital mode would be able to use the bandwidth at the expense of another analog or digital signal. We should retain Section 97.221, which keeps the automated and semi-automated systems confined to their current area of the HF bands.

Interference between a mixture of emission modes are kept to a minimum is wrong and cannot be controlled. Mr. Imlay finally agrees that cross mode interference will happen, and states that it will be minimal. This can only be determined by actual usage studies.

The statement that the ARRL does not favor one mode at the expense of another is by definition wrong. By default, this proposal will promote digital modes at the expense of analog usage. Any digital mode will by default take up bandwidth that an analog mode can no longer use. The ARRL is for the new digital modes and spectrum at the natural expense of analog.

The only way to allow for digital with no tradeoff of analog is to open up new bands for digital modes only (and we know this will not happen). While I agree that digital modes should grow, dividing them by bandwidth ignores the

spectral and error correction encoding makeup of the digital signals. This plan also ignores the real world digital and analog decoding systems that cannot error-correct from cross interference.

### **Conclusion**

In summary, the document Mr. Imlay offers contains mis-statements and inaccuracies in stating what the total Amateur Radio Service wishes for the future of Amateur Radio. We can do better and we should take the time to do so from studied scientific methods in a democratic manner.

The ARRL should step back, do more research and poll all US Amateur Radio operators to correctly determine the wishes of the US Amateurs regarding the future US amateur band plans before requesting a Notice of Proposed Rule Making.

-s-

Sincerely,  
Dan Brown  
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